

414A
9/462717 HHS
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I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office by Class Mail on September 15, 2000 and is addressed to the Commissioner, U.S. Patent and Trademark Office, Washington, DC 20231.

By 
Shahan Islam

SEP 2000

Service as First
demands,

2832/FBR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scott Olive

Petitions Attorney: Anthony Smith

Serial No.: PCT/AU98/00525

PCT Legal Examiner: L. Smith

Int. Filing Date: 08 July 1998

Priority Date: 08 July 1997

For: SLOT MACHINE GAME AND SYSTEM WITH IMPROVED JACKPOT FEATURE

Assistant Commissioner For Patents
Box PCT
Washington, D.C. 20231

Petition Under 37 CFR § 1.10(c) or § 1.10(d) To Correct “Date-In” and Remove Notice of
Abandonment

Dear Sir:

This is in response to the COMMUNICATION and NOTIFICATION OF ABANDONMENT (“Communication”) received by the PCT Legal Office, wherein the above referenced application was deemed abandoned on 11 January 2000 for failure to pay the basic national fee, 30 months from the priority date. Per our discussion with the Petitions Attorney, Mr. Anthony Smith, we are filing this petition under both 37 CFR §§ 1.10(c) or 1.10(d) to amend the “date-in” to reflect the actual date that the undersigned deposited with the United Postal Service Express Mail under 37 CFR § 1.10(a) the application and requisite national fee.

As demonstrated herein, all papers and fees were timely filed. Accordingly, we respectfully request that the Notification of Abandonment should be withdrawn.

The Communication correctly indicated that the deadline for payment of the national phase entry fee was January 8, 2000. This date fell on a Saturday, permitting us to file the required documents and fee on Monday, January 10, 2000 if submitted by Express Mail on that day. The following documents and remarks are included to demonstrate that the appropriate procedures were followed, and that the "date-in" should read January 10, 2000, not January 11, 2000.

Document 1

This document displays the postcard carbon [top panel], and the receipt postcard stamped and returned by the PTO [bottom panel].

[Top Panel] The filing date, on the second line from the top, on the left, indicates the entry deadline of January 8, 2000. The carbon shows the *incorrect* actual mailing date of January 8, 2000. It should have been January 10.

[Bottom Panel] The return postcard is shown to been corrected upon receiving it from the PTO. Thus it was changed from January 8 to January 10. The PTO stamp indicating receipt on January 11 is clearly shown. The change of date to January 10 was based on my good faith belief that the filing date would be the date I deposited the materials with the Express Mail. This was January 10.

In addition, the documents filed that day are listed. These include, *inter alia*, the Preliminary Amendment shown below.

Document 2

This is the cover page of the Preliminary Amendment that was deposited in Express Mail on the date indicated in the Express Mailing Certificate. This date is clearly January 10, 2000. Also note that the Express Mail receipt number is the same as shown in Document 1 above.

Unfortunately it has not been possible to produce a copy of the receipt itself for three reasons. First, the Post Office does not keep a record of the Express Mail receipts for more than 6 months. As we are more than 8 months from the mailing date this receipt is now "lost" in the postal system. We have attempted to call their toll free number at 1-800-222-1811, but have been told they cannot locate this receipt. In addition, the local postal facility where the document was mailed, Roseland, NJ was phoned at 973-226-4320. We were informed that if the Express Mail label was not purchased and used immediately, at the postal counter, they would not have retained records of the transaction. Because our law firm stocked these labels in bulk and pre-paid the postage, this was not how we accessed the Express Mail system. Therefore it is not possible to produce a copy of the receipt, or obtain any official notice from the post office.

In addition, I left the law firm of Friedman & Siegelbaum LLP several months ago, and did not bring the file with me. This file was recently sent to me to after Friedman & Siegelbaum LLP, had disbanded. It is therefore with deep regret that we cannot formally satisfy the requirement of CFR § 1.10(c)(3). We respectfully request that the Petitions Attorney afford the following documents probative value in supporting our position that we had indeed mailed the above mentioned papers on January 10, 2000.

Document 3

This is a copy of the check stub issued by the Friedman & Siegelbaum financial officer. Please note that the amount for which the check is made is exactly the same as that appearing on the postcard

and carbon. Also, and most important, the check's issue date was January 10, 2000. Though not proof of when it was mailed, it is entirely consistent with the preparation and "dating" of all documents to be sent out together.

Document 4

A client letter, dated January 13, 2000. This letter informs the client, inter alia, of the filing of the application in the PTO on January 10, 2000. It would be unethical to knowingly mislead and misinform a client of their application's filing date. It would also make myself a liability to any firm in which I practice. It is significant, therefore, to emphasize that there have never been such charges leveled against me since I have joined the patent bar.

The most obvious explanation for informing the client of a January 10 filing date, is that I in fact deposited these materials on January 10, 2000 at either an Express Mail drop box or the post office. As a result, I conducted my affairs with the good faith belief that this was indeed the correct filing date.

It is stated in § 1.10(d)(3) that evidence that came into being within one day of the correspondence to support such a mailing date, should accompany the petition. Document 4 came into being 2 days beyond this deadline. I respectfully request that the Petitions Attorney, Legal Examiner, or Assistant Commissioner allow consideration of this document to the extent necessary to satisfy the requirement in paragraph (d)(3).

Documents 5A and B

Document 5A is a response to a Notification of Missing Parts that the PTO mailed on March 21, 2000. Our response is one of several documents in our possession indicating that the prosecution of the application continued under the good faith belief that the filing date was January 10, 2000. To reiterate, such a belief can only have resulted from my deposit of the application papers in Express Mail on January 10, 2000.

Document 5B, is a copy of the Information Disclosure Statement executed on Form PTO-1449.

It is clear that in preparing both client and PTO correspondences, we relied on the good faith belief that the application and preliminary amendment and basic national fee was deposited by Express Mail on January 10,2000.

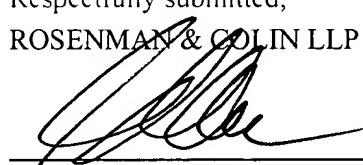
Conclusion

It is respectfully suggested that above referenced documents and remarks are made in good faith and are sufficient to establish that the correct "date-in" of the national phase application 09/462,717 and fee is January 10, 2000.

If the Petitions Attorney feels that personal discussion might be helpful in resolving this issue, he is invited to telephone the undersigned.

If there are any fees required for considering this petition, please charge them to Deposit Account number 50-1290

Respectfully submitted,
ROSENMAN & COLIN LLP



Shahab Islam
Registration No. 32,207

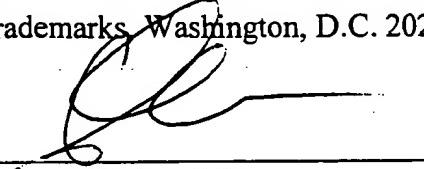
September 15, 2000
Rosenman & Colin LLP
575 Madison Avenue
New York, NY 10022-2585
S. Islam @ (212) 940-8564

SI:tg

"Express Mail" No.: EK146540659US

Date: January 10, 2000

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231



Shahan Islam

2832/FBR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCUMENT 2

-----x
Applicant: SCOTT OLIVE :
Serial No.: Unassigned : Examiner: Unassigned
(Int'l Appln PCT/au/98/00525):
Filed: January 10, 2000 : Group Art Unit: Unassigned
For: SLOT MACHINE GAME :
AND SYSTEM WITH :
IMPROVED JACKPOT :
FEATURE :
-----x

PRELIMINARY AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Prior to examination on the merits, please amend the above-identified application as

follows:

DOCUMENT 3

FRIEDMAN - SIEGELBAUM LLP, ATTORNEYS AT LAW COMMISSIONER OF PATENT/TRADEMARKS		61983	
DATE 01/10/2000	INVOICE NUMBER 6218-1	BALANCE 2,568.00	
MEMO			
		TOTAL 2,568.00	
		CHECK NUMBER 000061983	
		CHECK DATE 01/10/2000	

FRIEDMAN □ SIEGELBAUM LLP



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RHONDA CARNIOL*
JONATHAN T.K. COHEN*
JO ANNE C. ADLERSTEIN*
JONATHAN D. BICK*

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January 13, 2000

VIA AIR MAIL
Mr. Chris Owens
F.B. Rice & Co
28A Montague St.
P.O. Box 117
Balmain NSW 2041
Australia

Deadline: April 10, 2000
(Information Disclosure Statement)

Re: Patent Application to Enter National Phase for PCT/AU98/00525
For: SLOT MACHINE GAME AND SYSTEM WITH IMPROVED
JACKPOT FEATURE
Your Ref: 88361 Our Ref: 2832/FBR/US

Dear Chris:

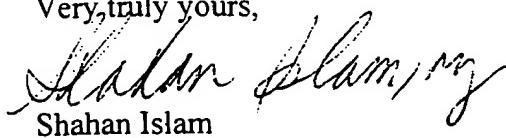
We are pleased to report that we have filed the above-identified application to enter the National Phase, including Request, Preliminary Amendment, International Search Report, International Preliminary Examination Report and two Written Opinions and Amendments, with the U.S. Patent and Trademark Office on January 10, 2000.

We have also filed the unexecuted Declaration and Power of Attorney and Assignment forms.

Enclosed is our invoice for services rendered and costs incurred. We will keep you advised as the application progresses through the U.S. Patent Office.

Please also let us know about any references for Information Disclosure Statement purposes before April 10, 2000.

Very truly yours,



Shahan Islam, mg
Shahan Islam

SI/ag

Enclosures

F:\users\Anne\FLK\2757\Client Report & Bill-Appn.doc

DOCUMENT 4

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage pre-paid on the date indicated below and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231



Shahan Islam

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2832/FBR

In re Application of: Scott Olive :
 Serial No.: 09/462,717 : Examiner:
 Filed: January 10, 2000 : Group Art Unit:
 For: Slot Machine Game and System with
 Improved Jackpot Feature :
 -x-

Honorable Commissioner
 of Patents and Trademarks
 Washington, DC 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Sir:

This is a response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).

Submitted herewith is the executed Declaration along with a check for \$130.00 to cover the costs.

PATENTS

To: Assistant Commissioner for Patents
 Serial/Patent No. 09/462,717
 Filing Date 1/10/00
 Inventor(s): SCOTT OLIVE
 Title: Slot machine Game and System with Improved
 Jackpot feature

Atty Docket No. 2832/FBR
 Date Mailed 4/5/00
 Attorney SI

63422

BALANCE
130.00

The U.S. Patent & Trademark Office stamp herein acknowledges receipt of the following:

- | | |
|---|--|
| <input type="checkbox"/> Application (Utility _____ or Design _____) | <input type="checkbox"/> Total Pages _____ |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Sheets of Drawings (Figs. _____) |
| <input checked="" type="checkbox"/> Declaration and Power of Attorney | <input type="checkbox"/> Fee Transmittal Sheet |
| <input type="checkbox"/> Transmittal Letter | <input type="checkbox"/> Response to Missing Parts |
| <input type="checkbox"/> Small Entity Form | <input type="checkbox"/> Amendment |
| <input checked="" type="checkbox"/> Assignment and Cover Sheet | <input checked="" type="checkbox"/> IDS & Citation in Application Form |
| <input type="checkbox"/> Response to Office Action | <input type="checkbox"/> Certified Copy of Priority Document |
| <input type="checkbox"/> Request for Extension of Time | <input type="checkbox"/> Issue Fee Transmittal Form(s) |
| <input type="checkbox"/> Petition _____ | <input type="checkbox"/> Check(s) # _____ for \$ _____ |
| <input type="checkbox"/> Certificate of Mailing | |
| <input type="checkbox"/> Express Mail Certificate-Label # _____ | |
| <input type="checkbox"/> Other: _____ | |

TOTAL 130.00

Form PTO-1449 LIST OF PRIOR ART CITED BY APPLICANT		Docket No.: 2832/FBR	Serial No.: 09/462,717
		Applicant: Scott Olive	
		Filing Date: January 10, 2000	Group:

U.S. PATENT DOCUMENTS

Exam. Init.		Document Number	Date	NAME	Class	Subclass	Filing Date if appropriate
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

	Document Number	Date	COUNTRY	Class	Subclass	Translation	
						Yes	No
AL	2 1 5 3 7 2 A	12/19/83	UK				No
AM	5 3 3 7 0 8 6	8/14/86	Australia				No
AN	3 3 8 6 8 8 9	11/16/89	Australia				
AO							
AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR			
AS			
AT			
EXAMINER			DATE CONSIDERED